

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DARNELL WESLEY MOON,

Petitioner,

v.

CAROL HOLINKA; MARION FEATHER;
MARK KIRBY; PHILLIP SHANKS;
C. MONTONNA; VICKIE BORTZ;
VINCENT SHAW; THEODORE EDGEComb JR.;
BECKY PEASE; N. FIELDS and
RANDY WILLIAMS;

Respondents.

ORDER

09-cv-524-slc

DARNELL WESLEY MOON,

Petitioner,

v.

CAROL HOLINKA; MARION FEATHER;
B. TRATE; J. MARTEN; N. FIELDS and
VICKIE BORTZ

Respondents.

ORDER

09-cv-525-slc

Petitioner Darnell Wesley Moon, has filed pleadings styled as petitions for writs of habeas corpus pursuant to 28 U.S.C. § 2241 along with requests to proceed *in forma pauperis*. He supports his requests for leave to proceed *in forma pauperis* with affidavits of indigency and copies of his trust fund account statement for the six-month period immediately preceding the filing of his petitions.

In determining whether a petitioner is indigent for the purpose of filing a § 2241 petition, this court calculates the average monthly deposits and the average monthly balances in the petitioner's prison account for the six-month period mentioned above. If 20% of the greater of these two figures is \$5 or more, then the petitioner is not eligible for indigent status and must

prepay all of the \$5 filing fee. If 20% of the greater of these two figures is less than \$5, the petitioner must prepay whatever portion of \$5 the 20% calculation works out to be. From his statements, I find that petitioner has no means to pay any portion of the filing fees and qualifies financially for indigent status.

Accordingly, IT IS ORDERED that petitioner's request for leave to proceed *in forma pauperis* in these cases is GRANTED. Petitioner's petitions for writs of habeas corpus are taken under advisement for a decision whether orders should issue directing respondents to show cause why the petitions should not be granted. The parties will be notified as soon as decisions are reached.

Entered this 25th day of August, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge